

EXHIBIT A

Filed and Attested by the
Office of Judicial Records
19 DEC 2020 03:48 pm
A. SILIGRINI

Defendants

AVISO

Case ID: 201201667

**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

THOMAS E. FAIR and DONNA K. FAIR,
individually and as husband and wife,
4854 Colebrook Road
Hershey, PA 17033

Plaintiffs

v.

No.

TRAVEL CENTERS OF AMERICA, LLC
t/d/b/a PETRO STOPPING CENTERS,
72 South Front Street
Philadelphia, PA 19106

Defendant

COMPLAINT

AND NOW, come Plaintiffs, Thomas E. Fair and Donna K. Fair, individually and as husband and wife, by and through their attorneys, Joseph E. Savoca, Esquire and Savoca Justice, LLC, and file this Complaint, whereof the following is a statement:

1. Plaintiffs are Thomas E. Fair and Donna K. Fair, individually and as husband and wife, adult individuals and citizens of the Commonwealth of Pennsylvania, currently residing at 4854 Colebrook Road, Hershey, Dauphin County, Pennsylvania 17033.

2. The Defendant, Travel Centers of America, LLC t/d/b/a Petro Stopping Centers, (hereinafter “TCA/Petro”), is a corporate entity organized, existing, and authorized to do business in and doing business in the Commonwealth of Pennsylvania with a business location of 72 South Front Street, Philadelphia, Philadelphia County, Pennsylvania 19106.

3. Jurisdiction in this matter is pursuant to Pa.R.C.P. Rule 2179(a)(2) as the Defendant regularly conducts business in and about Philadelphia County, Pennsylvania.

4. On January 1, 2019, at approximately 5:00 p.m., Plaintiff was a patron at Defendant's TCA location at or near Portage, Wisconsin.

5. On the aforesaid date and time, Plaintiff Thomas E. Fair was employed as an over-the-road truck driver with Dutch Valley Food Distributors at which time he entered the subject parking lot to purchase gasoline, rest, and refresh with dinner when he slipped and fell to the ground.

6. Upon exiting his truck, he suddenly, violently, and without warning due to previously accumulated and insufficiently maintained snow, ice, re-freeze, and related conditions, on the Defendant TCA/Petro's parking lot, areas for rest and pumping gas, walkways, and paths of ingress and egress, as a result of which Plaintiff Thomas E. Fair sustained various injuries and damages according to proof at trial.

7. At all times relevant herein, the truck stop, store, and premises, including the parking lot, walkways, paths of ingress and egress, and areas for foot traffic and pumping gas were within the Defendant TCA/Petro's sole and exclusive care, custody, and control, with maintenance and upkeep, including snow and ice treatment and removal to be performed by, and being performed by, persons of Defendant's selection, at Defendant's direction, per Defendant's specifications, and under Defendant's oversight.

8. At all times relevant hereto, said persons were either Defendant's employees or were hired or contracted by Defendant or by persons hired by Defendant to do so. Regardless, at all material times herein, Defendant TCA/Petro owed Plaintiff Thomas E. Fair and other similarly situated business invitees a non-delegable duty of due care as more fully hereinafter set forth.

9. The said damages are in excess of \$50,000.00, are outside the scope and authority of mandatory arbitration, and a jury trial is hereby demanded. Said averment is made without prejudice to Plaintiffs' right to choose to list the case at the conclusion of discovery, for compulsory arbitration.

10. Defendant TCA/Petro by holding out the store/location for public use and inviting customers onto their property to conduct business, owed to Plaintiff Thomas E. Fair and other similarly situated business invitees a duty to maintain the store and surrounding premises, including the parking lot, areas for pumping gas, areas for foot traffic, walkways, and paths of ingress and egress in a safe condition, to warn business invitees of possible dangerous conditions, and to inspect the premises and address dangerous conditions so as to make and keep the same safe.

11. At all times relevant hereto, Defendant in its own respective right and by and through the acts and omissions of its respective employees, agents and/or other chosen actors and/or assigns, as aforesaid, breached its non-delegable duty to keep the premises in a safe, well maintained, nonhazardous condition and failed to warn business invitees of existing dangerous conditions, and were jointly and severally negligent and careless, as follows:

- a) Failing to provide safe and adequate walkways, areas to pump gas, areas for foot traffic, and means of ingress and egress;
- b) Failing to give warning of the dangerous conditions as described herein or take any other safety precautions to prevent injury to the Plaintiff and/or other similarly situated business invitees;
- c) Failing to make a reasonable inspection to discover unsafe conditions on the property such as the dangerous condition which caused Plaintiff to fall;
- d) Failing to correct or remedy the dangerous conditions which caused an unreasonable risk of injury;

- e) Failing to give warning of the dangerous conditions as described herein and/or to take any other sufficient safety precautions to prevent injury to the Plaintiff and/or other similarly situated business invitees;
- f) Failing to exercise reasonable care to discover and prevent or correct the perils and dangers to Plaintiff and/or other similarly situated business invitees; and
- g) Failing to have or adhere to sufficient policies or procedures to prevent the complained of dangerous conditions and resultant harms and losses to the Plaintiff.

12. Said accident was the result of Defendant TCA/Petro's aforesaid negligence and carelessness, and was due in no manner whatsoever to an act or failure to act on the part of Plaintiffs.

13. As a result of Defendant TCA/Petro's aforesaid negligence and carelessness, Plaintiff Thomas E. Fair suffered, is suffering, and in the future will continue to suffer permanent, serious bodily injuries resulting in serious impairment of bodily and intellectual functions which include, but are not limited to, the following:

- a) Personal injuries according to proof at Trial, including non-displaced fracture of the right occipital/parietal bone extending to the mastoid temporal bone with punctate associated pneumocephalus;
- b) Right mastoid temporal bone fracture with hemorrhage within the right external auditory canal and mastoid air cells;
- c) Trace right temporal occipital pneumocephalus;
- d) Right occipital scalp contusion;
- e) Permanent partial hearing loss caused by a punctured eardrum and profuse bleeding;
- f) Vertigo;
- g) Temporary right side facial paralysis;

- h) Right shoulder injury trauma and bruising, no fracture;
- i) Mental anguish;
- j) Discomfort;
- k) Inconvenience;
- l) Distress;
- m) Loss of life's pleasures;
- n) Embarrassment and humiliation;
- o) An impairment of health and sense of well being;
- p) Permanent cognitive dysfunction; and
- q) Loss of consortium at home between husband and wife of 40 years.

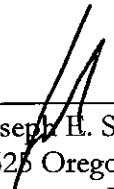
14. As a further result of Defendant TCA/Petro's aforesaid negligence and carelessness, Plaintiffs have suffered, are suffering, and in the future will continue to suffer financial injuries which include, but are not limited to, the following:

- a) Past, present, and future medical expenses which have or may in the future exceed applicable legal limits or result in medical liens;
- b) Past and future wage loss;
- c) A worker's compensation lien in the amount of \$27,537.95; and
- d) Incidental costs resulting from dealing with said injuries;

WHEREFORE, Plaintiffs, Thomas E. Fair and Donna K. Fair, respectfully request that this Honorable Court enter judgment against the Defendant, Travel Centers of America, LLC t/d/b/a Petro Stopping Centers, jointly and severally, in an amount in excess of \$50,000.00, plus interest and such other and further relief as allowed by law.

Respectfully submitted,

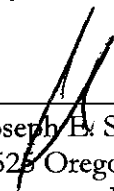
SAVOCA JUSTICE, LLC

By: 
Joseph E. Savoca, Esquire
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(717) 519-0805
Attorney ID No. 55800
Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

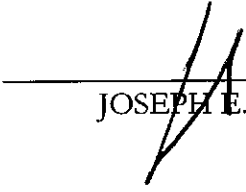
SAVOCA JUSTICE, LLC

By: 
Joseph E. Savoca, Esquire
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Lancaster, PA 17601
(717) 519-0805
Attorney ID No. 55800
Attorney for Plaintiffs

Dated: 12/29/2020

VERIFICATION

I, JOSEPH E. SAVOCA, ESQUIRE, attorney for Plaintiffs, Thomas E. Fair and Donna K. Fair, hereby indicate that the Plaintiffs are not available to sign the Verification and I am making this Verification based on knowledge I have obtained from the Plaintiffs or their agents. I verify that the statements in the foregoing document are true and correct to the best of my knowledge, information and belief. I also understand that the statements contained herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



JOSEPH E. SAVOCA

Date: 12/29/2020